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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/305,722 05/05/99 BAO

Z BAO-9-1-13

EXAMINER

IMS2/0227

GLEN E BOOKS ESQ
MATHEWS COLLINS SHEPHERD & GOULD PA
100 THANET CIRCLE SUITE 306
PRINCETON NJ 08540-3674

ALANKO, A

ART UNIT

PAPER NUMBER

1746

DATE MAILED:

02/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/305,722

Applicant(s)

BAO ET AL.

Examiner

Randy P Gulakowski

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 November 2000.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-15 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) 13-~~15~~ and 20-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

The 112 rejection of claims 8 and 11 has been withdrawn in view of applicants' amendments.

Newly submitted/amended claims 13-15 and 20-22 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: applicants' are now attempting to claim a method forming an electronic device, which was already restricted out in the first office action, or is restrictable subject matter at this time. The method of forming an electronic device and a method of forming a patterned layer are considered to be distinct inventions, based on their clear differences in that the patterned layer can be used for forming many other devices besides those claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13-15 and 20-22 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The 102 rejection based on Xia has been withdrawn in view of applicants' arguments, that the reference fails to disclose an ink removing step.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xia et al.

The reference as explained in the previous office action is applied here as such. The reference lacks a final step of removing the ink from the surface of the substrate.

The examiner takes official notice that such a step would have been found obvious to the skilled artisan, for the purpose of obtaining a clean substrate surface, which will be processed further. Such a step appears remedial, particularly in this art; when a mask is no longer needed, it is removed.

Claims 1, 3-12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xia et al in view of Biebuyck et al-'259.

The rejection as set forth in the previous office action is deemed proper and therefore maintained, along with the new position established in the above rejection over Xia. New claim 19 is addressed by the Biebuyck reference, see column 10 line 64.

Applicants' argue that since the secondary reference deals with a different method of using the stamp, for applying an etchant or a dopant.

This is found unpersuasive, since that appears to be irrelevant when determining the method of relief geometries on a rotatable roller. Applicants' have failed to establish why this would not have been obvious to one skilled in the art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy P Gulakowski whose telephone number is (703)308-4333. The examiner can normally be reached on Mon.-Fri, with 1st Friday off.

The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7718 for regular communications and (703)305-3599 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 7033080661.

A handwritten signature in black ink, appearing to read "Randy P. Gulakowski". The signature is fluid and cursive, with the first name "Randy" being more prominent.

Randy P Gulakowski
SPE
Art Unit 1746

RG
February 26, 2001